

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Jimmy Lee Duncan, Jr.,

Plaintiff,

v.

Lisa Boltin, Donna Faris, and Capt.
Jody Taylor,

Defendants.

C/A No. 2:15-cv-860-JFA

ORDER

Jimmy Lee Duncan, Jr. (“Duncan”) filed this *pro se* action while confined at the Colleton County Detention Center. Duncan brought an action pursuant to Title 42, United States Code, Section 1983 against Defendants Boltin, Faris, and Taylor on or about February 23, 2015. (ECF No. 1). Duncan states that he seeks an injunction asking Defendants “to obey the revocation order signature [sic] by the Honorable Perry M. Buckner on May 19th 2014.” *Id.* Even though Duncan states that he is seeking declaratory relief, what he is actually seeking is release from the community supervision program that he was previously assigned to.

On May 4, 2015, Defendant Boltin filed an Answer and a Motion to Dismiss. (ECF No. 16; ECF No. 17). On November 10, 2015, Defendant Taylor filed a Motion for Summary Judgment. (ECF No. 34). Duncan filed responses to both of these motions as well as a Motion for Judgment on the Pleadings. (ECF No. 23; ECF No. 37).

The Magistrate Judge assigned to this action¹ prepared a thorough Report and Recommendation (“Report”) and opines that this Court should dismiss the Complaint in this case

¹ The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(g) (D.S.C.). The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a

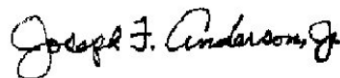
pursuant to 28 U.S.C. § 1915(e)(2)(B), and that the pending motions (ECF No. 17; ECF No. 23; ECF No. 34) be dismissed as moot. (ECF No. 39). The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without a recitation.

Duncan was advised of his right to object to the Report, which was entered on the docket on February 1, 2016. However, Duncan did not file objections. In the absence of specific objections to the Report of the Magistrate Judge, this Court is not required to give an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, as well as the Report, this Court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. Accordingly, the Court adopts the Report and Recommendation. All of the pending motions (ECF No. 17; ECF No. 23; ECF No. 34) are dismissed as moot.

IT IS SO ORDERED.

February 24, 2016
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge

de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).